

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

BRANDON HEITMANN,

Debtor.

Chapter 13
Case No. 24-41956-MAR
Hon. Mark A. Randon

MOHAMED SAAD,

Plaintiff,
v.
BRANDON HEITMANN,

Adv. Pro. No. 24-04375-MAR
Hon. Mark A. Randon

Defendant.

**DEFENDANT BRANDON HEITMANN'S EX PARTE MOTION TO
EXPEDITE THE HEARING DATE OF DEFENDANT'S MOTIONS**

Defendant Brandon Heitmann, by and through his counsel, Kotz Sangster Wysocki, P.C., and for his Ex Parte Motion to Expedite the Hearing Date of Defendant's Motions.

1. On April 21, 2025 Defendant filed his Motion to Compel Complete Discovery, Motion to Strike Plaintiff's Identified Experts, and Motion to Adjourn Dates (Defendant's "Motions"). (**Exhibit 2**).
2. As indicated in Defendant's Motion to Compel Complete Discovery, in response to Defendant's twenty-two requests to produce, Plaintiff only produced

three photographs. Moreover, said photographs were “copy and pasted” into a pdf, and thus produced in a format that is not even admissible at trial. Aside from said photographs, Plaintiff produced no documents whatsoever in response to any Defendant’s requests. (**Exhibit 3, Saad Responses**).

3. Upon receipt of complete and sufficient discovery, Defendant will require the time to thoroughly evaluate the documents produced by Plaintiff to determine further discovery pursuits. Defendant also anticipates requesting depositions of Plaintiff’s witnesses. These depositions will require the requested documentary evidence that Defendant is entitled to.

4. Plaintiff thus far has either withheld documentation that Defendant is entitled to or has no intention of providing any form of documentary evidence to prove his case-in-chief.

5. Discovery in this matter is set to conclude on May 18, 2025. (**Exhibit 4, Scheduling Order**)

6. If the hearing on Defendant’s Motions are not held on an expedited basis, Defendant will be severely prejudiced, as the discovery period is set to lapse, and Plaintiff’s failure to participate in discovery will hinder Defendant’s ability to adequately pursue further discovery.

7. An expedition of the hearing dates of said Motions is necessary to ensure that Defendant may obtain the discovery to which it is entitled before the

discovery deadline lapses, and to avoid irreparable prejudice resulting from Plaintiff's continued noncompliance and deliberate refusal to participate in discovery.

8. Concurrence was sought from Plaintiff on April 21, 2025. No concurrence was provided by Plaintiff's Counsel.

9. Defendant respectfully requests that this Court allow Plaintiff one week to file responses to Defendant's Motions after the filing of this instant Motion.

10. Defendant respectfully requests that this Court expedite and schedule the hearings for Defendant's Motion to Compel Complete Discovery, Motion to Strike Plaintiff's Identified Experts, and Motion to Adjourn Dates within two weeks of the filing of this instant Motion or at the earliest available date.

11. Pursuant to E.D.Mich. LBR 9006-1(b), Defendant submits that the ex parte relief requested herein is both necessary and appropriate under the circumstances and will not unduly prejudice any party.

WHEREFORE, Defendant Heitmann, requests that this Honorable Court enter an order to Expedite the hearing date of Defendant's Motion to Compel Complete Discovery, Motion to Strike Plaintiff's Identified Experts, and Motion to Adjourn Dates and award Defendant its reasonable expenses, including attorneys' fees incurred in bringing this motion.

Respectfully submitted,

KOTZ SANGSTER WYSOCKI P.C.

Dated: April 22, 2025

/s/ *Tyler P. Phillips*

By: Tyler P. Phillips (P78280)
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Chapter 13
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MOHAMED SAAD,

Plaintiff,

v.

BRANDON HEITMANN,

Defendant.

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**BRIEF IN SUPPORT OF DEFENDANT BRANDON HEITMANN'S EX
PARTE MOTION TO EXPEDITE THE HEARING DATE OF
DEFENDANT'S MOTIONS**

Defendant, Brandon Heitmann for his brief in support of his Ex Parte Motion to Expedite the Hearing Date of Defendant's Motions relies on the arguments and law stated in the Motion, which incorporated by reference herein.

Specifically, Defendant's Motion should be granted because:

1. Plaintiff's refusal to participate in discovery has hindered Defendant's ability to adequately defend its case in chief.
2. Plaintiff's refusal to participate in discovery has hindered Defendant's ability to conduct thorough discovery prior to the discovery cutoff date.

3. The hearing date of Defendant's Motion to Compel Complete Discovery, Defendant's Motion to Strike Plaintiff's Identified Experts, and Defendant's Motion to Adjourn Dates pertaining to Plaintiff's noncompliance with discovery is set to imminently lapse following the hearing of Defendant's Motions.

4. This Court may grant the relief Defendant seeks under E.D. Mich. LBR 9006-1(b).

WHEREFORE, Defendant Heitmann, requests that this Honorable Court enter an order to Expedite the hearing date of Defendant's Motion to Compel Complete Discovery, Motion to Strike Plaintiff's Identified Experts, and Motion to Adjourn Dates and award Defendant its reasonable expenses, including attorneys' fees incurred in bringing this motion.

Respectfully submitted,

KOTZ SANGSTER WYSOCKI P.C.

Dated: April 22, 2025

/s/ *Tyler P. Phillips*

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN RE:

BRANDON HEITMANN,
Debtor.

Case No. 24-41956-mar
Chapter 7
Hon. Mark A. Randon

MOHAMED SAAD,

Plaintiff,

Adv. Pro. No. 24-04375-mar
Hon. Mark A. Randon

v.

BRANDON HEITMANN,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2025, I electronically served the foregoing paper(s) with the Clerk of the Court using the ECF system, which will send notification of such filing to the Office of the United States Trustee and all those listed by the Court as receiving electronic notices in this case from the Court's CM/ECF system.

Respectfully submitted,

KOTZ SANGSTER WYSOCKI P.C.

/s/Tyler P. Phillips

Dated: April 22, 2025

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